

HAWAII ADMINISTRATIVE RULES

TITLE 12

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

SUBTITLE 8

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

PART 1

GENERAL, LEGAL, AND ADMINISTRATIVE PROVISIONS
FOR OCCUPATIONAL SAFETY AND HEALTH

CHAPTER 52.1

RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

§12-52.1-1 State amendments to 29 CFR 1904
§12-52.1-2 Incorporation to federal standard

Historical note: Chapter 12-52.1 is based substantially upon chapter 12-52. [Eff 7/12/82; am 5/28/83; am 8/15/87; am 9/30/94; am 2/8/97; am 7/10/97; am 7/6/99; R 12/29/01]

§12-52.1-1 State amendments to 29 CFR 1904. (a) 29 CFR 1904.1(a)(1) is amended to read as follows: (a) Basic requirement. (1) If your company had ten or fewer employees at all times during the last calendar year, you do not need to keep OSHA injury and illness records unless HIOSH, OSHA, or the Bureau of Labor Statistics (BLS) informs you in writing that you must keep records under §1904.37, §1904.41 or §1904.42.

However, as required by §1904.39, all employers covered by chapter 396, HRS, Hawaii Occupational Safety and Health Law, must report to HIOSH any workplace incident that results in a fatality or the hospitalization of three or more employees, or property damage in excess of \$25,000.

(b) 29 CFR 1904.2(a)(1) is amended to read as follows: (a) Basic requirement. (1) If your business establishment is classified in a specific low hazard retail, service, finance, insurance or real estate industry listed in appendix a to this subpart b, you do not need to keep OSHA injury and illness records unless the government asks you to keep records under §1904.37, §1904.41 or §1904.42. However, all employers must report to HIOSH any workplace incident that results in a fatality or the hospitalization of three or more employees, or property damage in excess of \$25,000 (see §1904.39(a) as amended in subsection (d)).

(c) 29 CFR 1904.29(b)(2) is amended to read as follows: (2) What do I need to do to complete an OSHA 301 Incident Report? You must complete an OSHA 301 Incident Report form, or an equivalent form that contains the same information required on the OSHA 301 Incident Report form, for each recordable injury or illness that is required to be entered on the OSHA 300 Log.

(d) 29 CFR 1904.37(c) is added to read as follows: (c) If you receive an OSHA occupational injury and illness data collection form or any other type of injury and illness survey authorized by HIOSH, you must respond to the survey or request, and return it to the designated recipient within the specified time limit.

(e) 29 CFR 1904.39(a) is amended to read as follows: (a) Basic requirement. Within eight hours after the death of any employee from a work-related incident, the inpatient hospitalization of three or more employees as a result of a work-related incident, or property damage in excess of \$25,000 as a result of a work-related incident, you must orally report the fatality/multiple hospitalization, or property damage by telephone, (808) 586-9102, or in person at the HIOSH office in Honolulu.

(f) 29 CFR 1904.39(b)(1) is amended to read as follows: (b) Implementation. (1) If the HIOSH office is closed, may I report the incident by leaving a message on HIOSH's answering machine, faxing the area office, or sending an e-mail? When the HIOSH office is closed, the (808) 586-9102 telephone number will allow you to leave a phone message. In order for the message to be considered officially reported, all of the information in 1904.39(b)(2) must be provided on the answering machine message.

(g) 29 CFR 1904 Non-Mandatory Appendix A to Subpart B - Partially Exempt Industries is amended for the duration of the HIOSH Strategic Plan. The establishments that begin with SIC 525 and SIC 80 have been included in the HIOSH Strategic Plan before this standard was established and will continue to be required to maintain the injury and illness log for the duration of HIOSH's Strategic Plan unless the establishment has less than 11 employees. 29 CFR 1904 Non-Mandatory Appendix A to Subpart B - Partially Exempt Industries is amended to read as follows:

Employers are not required to keep OSHA injury and illness records for any establishment classified in the following Standard Industrial Classification (SIC) codes, unless they are asked in writing to do so by OSHA, the Bureau of Labor Statistics (BLS), or a state agency operating under the authority of OSHA or the BLS. All employers, including those partially exempted by reason of company size or industry classification, must report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees (see §1904.39).

SIC code	Industry description	SIC code	Industry description
542 ...	Meat and Fish Markets	725 ...	Shoe Repair and Shoeshine Parlors.
544 ...	Candy, Nut, and Confectionery Stores	726 ...	Funeral Service and Crematories.
545 ...	Dairy Product Stores	729 ...	Miscellaneous Personal Services.
546 ...	Retail Bakeries	731 ...	Advertising Services.
549 ...	Miscellaneous Food Stores	732 ...	Credit Reporting and Collection Services.
551 ...	New and Used Car Dealers	733 ...	Mailing, Reproduction, & Stenographic Services.
552 ...	Used Car Dealer	737 ...	Computer & Data Processing Services.
554 ...	Gasoline Service Stations	738 ...	Miscellaneous Business Services.
557 ...	Motorcycle Dealers	764 ...	Reupholstery and Furniture Repair.
56	Apparel and Accessory Stores	78	Motion Picture.
573 ...	Radio, Television, & Computer Stores	791 ...	Dance Studios, Schools and Halls.
58	Eating and Drinking Places	792 ...	Producers, Orchestras, Entertainers.
591 ...	Drug Stores and Proprietary Stores	793 ...	Bowling Centers.
592 ...	Liquor Stores	81	Legal Services.
594 ...	Miscellaneous Shopping Goods Stores	82	Educational Services (schools, colleges, universities and libraries).
599 ...	Retail Stores, Not Elsewhere Classified	832 ...	Individual and Family Services.
60	Depository Institutions (banks & savings institutions)	835 ...	Child Day Care Services.
61	Nondepository	839 ...	Social Services, Not Elsewhere Classified.
62	Security and Commodity Brokers	841 ...	Museums and Art Galleries.
63	Insurance Carriers	86	Membership Organizations.
64	Insurance Agents, Brokers & Services	87	Engineering, Accounting, Research, Management, and Related Services.
653 ...	Real Estate Agents and Managers	899 ...	Services, Not Elsewhere Classified.
654 ...	Title Abstract Offices		
67	Holding and Other Investment Offices		
722 ...	Photographic Studios, Portrait		
723 ...	Beauty Shops		
724 ...	Barber Shops		

[Eff 12/29/01; am 4/29/02] (Auth: HRS §396-4) (Imp: HRS §396-4)

§12-52.1-2 Incorporation of federal standard. Title 29, Code of Federal Regulations, Part 1904, entitled "Occupational Injury and Illness Recording and Reporting Requirements" published by the Office of the Federal Register, National Archives and Records Administration on January 19, 2001; and the amendments published on October 12, 2001, is made part of this chapter, except as provided in section 12-52.1-1. [Eff 12/29/01] (Auth: HRS §396-4) (Imp: HRS §396-4)